



H.C.P(MD)No.1399 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.11.2023

Coram

THE HON'BLE MR.JUSTICE **M.SUNDAR**
and
THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

H.C.P(MD)No.1399 of 2023

S.Muneeshwaran

.. Petitioner

VS

- 1.The State represented through,
The Commissioner of Police,
O/o.The Commissioner of Police,
Madurai City.
- 2.The Deputy Commissioner of Police,
O/o.The Deputy Commissioner of Police,
Koodal Pudur Sub-Division,
Madurai City.
- 3.The Inspector of Police,
O/o.The Inspector of Police,
Koodal Pudur Police Station,
Madurai City.

4.Mohamed Arif

.. Respondents



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Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus directing the respondents 1 to 3 to produce body or person of the petitioner's wife namely Divya, wife of S.Muneeshwaran, aged about 24 years, Minor Mithra, daughter of S.Muneeshwaran, aged about 5 years and minor Diya, daughter of S.Muneeshwaran, aged about 4 years before this Court and set them at liberty forthwith.

For Petitioner : Mr.V.M.Jegatheesh Pandian
for Mr.S.Nihar Ali

For Respondent Nos.1 to 3 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

[Order of the Court was made by M.SUNDAR, J.]

This order will now dispose of the captioned matter.

2.This order has to be read in conjunction with and in continuation of earlier proceedings made in the Admission Board yesterday ie., 16.11.2023 which reads as follows:



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'H.C.P.(MD)No.1399 of 2023

M.SUNDAR., J.

and

R.SAKTHIVEL., J.

O R D E R

*[Order of the Court was made by **M.SUNDAR., J.**]*

Mr.V.M.Jegatheesh Pandian, learned Counsel representing the Counsel on record for the 'Habeas Corpus Petition' ['HCP' for the sake of brevity] petitioner is before us.

2.Captioned HCP has been filed in this Court on 10.11.2023.

3.Short facts are that the HCP petitioner's wife Divya aged 24 years [HCP petitioner's wife 'Divya' shall hereinafter be referred to as 'first absentee' for the sake of convenience] is missing from 02.11.2023 along with two minor children 'XXX' and 'YYY' [aged 5 and 4 years respectively] [hereinafter 'second absentee' and 'third absentee' for convenience]; to be noted, we are masking the name of the children; that the petitioner lodged a complaint on the file of Koodal Pudur Police Station and an FIR vide Crime No.934 of 2023 for 'woman and children missing' has been registered; that fearing illegal detention of minor children by fourth respondent [to be noted, fourth respondent is a private respondent] captioned HCP has been filed.

4.Learned Counsel representing the Counsel on record for petitioner reiterated the aforementioned facts.



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5. Issue notice to official respondents.

6. Mr.R.Meenakshi Sundaram, learned State Additional Public Prosecutor accepts notice for respondents 1 to 3.

7. Learned Prosecutor submits on instructions [instructed by Mr.B.Suresh, Inspector of Police, Koodal Pudur Police Station] that fourth respondent's father has also lodged a complaint saying that fourth respondent is missing and that this complaint is lodged in Sellur Police Station, Madurai City and the same has been taken on file vide FIR dated 05.11.2023 [Crime No.1343 of 2023] for 'man missing'.

8. In paragraph No.2 there is a reference to respondent No.6. Learned Counsel submits that it is a typographical error; expresses regret and requests us to read it as fourth respondent.

9. Learned Prosecutor submits that investigation is under way and six [6] weeks would be a reasonable time frame to locate the second and third absentees.

10. If the absentees are located between today and next listing it is open to either side to mention before this Court.

*11. List after six [6] weeks. List on **04.01.2024**.'*

3. As the aforementioned Admission Board order captures all essentials, we are not setting out the same again in this final order.



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4.As the aforementioned Admission Board order is to be read as an integral part and parcel of this final order, short forms, short references and other abbreviations including the masked references used in the Admission Board dated 16.11.2023 shall continue to be used in this final order also for the sake of convenience and clarity.

5.Today, Mr.V.M.Jegatheesh Pandian, learned counsel representing counsel on record for HCP petitioner, petitioner-S.Muneeshwaran, petitioner's spouse ie., first absentee together with 'XXX' and 'YYY' namely second absentee and third absentee are all present in Court.

6.Mr.R.Meenakshi Sundaram, learned State Additional Public Prosecutor is before us and learned Prosecutor is instructed by Thiru.B.Suresh, the Inspector of Police, Koodal Pudur Police Station, Madurai.



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7.Learned counsel for HCP petitioner and learned Prosecutor submitted in one voice that it is not a case of illegal detention or unlawful custody. The first absentee has returned along with second and third absentees. The petitioner and first absentee will continue their marital tie along with their two children namely 'XXX' and 'YYY'.

8.Learned Prosecutor also submits that both the First Information Reports (alluded to in paragraph 3 and paragraph 7 of the earlier proceedings, dated 16.11.2023) will be given a closure.

9.The narrative thus far means that there is a happy ending for the episode which has brought the parties to this Court on a habeas drill in the captioned HCP.

10.Captioned HCP is disposed of as closed. There shall be no order as to costs.

[M.S.,J.] [R.S.V.,J.]
17.11.2023

Index : Yes/No
Neutral Citation : Yes/No



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To

- 1.The Commissioner of Police,
O/o.The Commissioner of Police,
Madurai City.
- 2.The Deputy Commissioner of Police,
O/o.The Deputy Commissioner of Police,
Koodal Pudur Sub-Division,
Madurai City.
- 3.The Inspector of Police,
O/o.The Inspector of Police,
Koodal Pudur Police Station,
Madurai City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
R.SAKTHIVEL, J.,

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